

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2686 of 1989

For Approval and Signature:

HON'BLE MR.JUSTICE M.S.SHAH
and
HON'BLE MR.JUSTICE D.A.MEHTA

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

KRIPASHANKERR

Versus

UNION OF INDIA

Appearance:

1. Special Civil Application No. 2686 of 1989
MR SI NANAVATI for Petitioner No. 1
MS DN RAVAL for Respondent No. 1-4

CORAM : HON'BLE MR.JUSTICE M.S.SHAH
and
HON'BLE MR.JUSTICE D.A.MEHTA

Date of decision: 01/07/2004

ORAL JUDGEMENT

(Per : HON'BLE MR.JUSTICE M.S.SHAH)

This petition was filed against the action of the respondent-authorities of seizing the petitioner's goods as recorded in the panchnama dated 23.3.1989 at Annexure "I" to the petition.

As disclosed in the affidavit-in-reply dated 28.4.1989, the seizure was effected and adjudication proceedings were to follow. The deponent of the affidavit, therefore, while seeking to justify the action of seizure further stated that it was not advisable to deal with all the contentions in detail as it was for the adjudicating authority to take into consideration and to decide the matter at that time.

Mr Bhatt states that he has no instructions about the subsequent developments but the petition would not survive, at this stage, as seizure and release orders have been followed by subsequent adjudication proceedings.

We, therefore, dispose of this petition with an observation that the disposal of this petition shall not be treated as expression of any opinion on the contentions raised by the petitioner in this petition or the defences raised by the respondents in the reply affidavit, and which might have been raised in any adjudication proceedings or in any appeal or revision therefrom.

The petition is accordingly disposed of. Rule is discharged.

(M.S. SHAH, J.)

(D.A. MEHTA, J.)

zgs/-